

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARTIN D. MOSHIER, III,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 5:06-CV-748

(FJS/GJD)

APPEARANCES:

OF COUNSEL

For the Plaintiff

Gregory R. Gilbert, Esq.
Amdursky, Pelky Law Firm
26 E. Oneida Street
Oswego, NY 13126

For the Defendant

Kristina D. Cohn
Social Security Administration
Office of Regional General Counsel - Region II
26 Federal Plaza - Room 3904
New York, New York 10278

FREDERICK J. SCULLIN, JR., S.J.

DECISION AND ORDER

Currently before the Court is Magistrate Judge Gustave J. DiBianco's June 24, 2008

Report-Recommendation to which the parties have filed no objections. Having reviewed that Report and Recommendation and the entire file in this matter, the Court hereby

ORDERS that the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed June 24, 2008 is **ACCEPTED** in its entirety, for the reasons stated therein, and the Court further

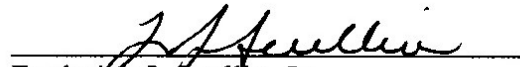
ORDERS that the decision of the Commissioner is **AFFIRMED** and the Court further

ORDERS that the Complaint is **DISMISSED** in all respects and the Court further

ORDERS that the Clerk of the court shall enter judgment in favor of the Defendant and close this case.

IT IS SO ORDERED.

Dated: May 13, 2009
Syracuse, New York


Frederick J. Scullin, Jr.
Senior United States District Court Judge